

FILED '06 JUL 06 11:47 USDC-ORE

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR 00-30050-1-AA

JEFFREY J. FRANK,

Defendant.

ORDER REVOKING SUPERVISED RELEASE

On September 9, 2003, the defendant appeared before this court, for sentencing following his plea of guilty to Embezzlement and False Statement on Tax Return. He was sentenced to eighteen (18) months custody followed by a three (3) year term of supervised release, upon the standard and special conditions. The term of supervised release commenced on February 22, 2005.

On May 1, 2006, this court issued a petition for summons and order to show cause why the term of supervised release order previously granted should not be revoked based on the probation officer's allegation that defendant violated the conditions of release. On June 6, 2006, an amended petition for summons and order to show cause was issued and filed.

On June 30, 2006, the defendant appeared with counsel at a hearing to determine whether defendant's supervised release should not be revoked. The defendant admitted had violated the

conditions of supervised release by failing to report to the probation officer as directed, failing to notify the probation officer of a change of employment within 72 hours, associating with persons convicted of a felony without permission of the probation officer, failing to submit a truthful and complete written report, incurring new credit charges without the approval of the probation officer, failing to answer truthfully all inquiries by the probation officer and failing to pay restitution to the best of his ability.

THE COURT FINDS that the defendant has violated conditions of his supervised release as set forth above, said violation constitutes a Grade C violation pursuant to Guideline § 7B1.1(a)(2). A Grade C violation coupled with the defendant's Criminal History Category of I, produces a suggested imprisonment range of 3 to 9 months (§ 7B1.4 Revocation Table).


IT APPEARS TO THE COURT that the defendant is not amenable to supervision.

IT IS ORDERED AND ADJUDGED that the term of supervised release is revoked and the defendant is committed to the custody of the Bureau of Prisons for a term of six (6) months. A term of supervised release is reimposed for a period of thirty (30) months under the previously imposed conditions of supervision.

1. The defendant shall pay all court ordered obligations on a monthly basis including but not limited to child support, spousal support and restitution all at the direction of his probation officer.
2. The defendant will be employed and this employment will be closely monitored by his probation officer. The defendant will not take days off or schedule any vacation time without his probation officer's approval.
3. The defendant shall not have access to a computer nor the Internet without the consent of his probation officer.
4. The defendant shall participate in and successfully complete a mental health evaluation and treatment with a component to include anger management and if appropriate, cognitive restructuring. The defendant shall pay for this treatment.

All other conditions and terms of supervised release previously imposed shall remain in full force and effect.

Dated this 6 day of July, 2006.



ANN AIKEN
United States District Judge

cc: Probation Office
Counsel of Record